

environmental concern in a denial letter. Slagle said the issue was the failure of the environmental assessment to address the issue; there was as yet no evidence of negative impact.<sup>395</sup>

The St. Croix Tribe accidentally received early notification of the decision on July 13, when Duffy's secretary faxed the tribe a letter stating that the Hudson application had been rejected. The letter had been prepared by Sibbison as a response to additional comments the tribe had submitted; Sibbison anticipated sending the letter only after the decision had been announced. Departmental witnesses testified that the early release of this response was done by mistake and was not intended to provide opponents with advance notice of the decision.<sup>396</sup> On July 14, Sibbison sent a "corrected" copy of the letter to Beverly Benjamin (a member of the St. Croix tribal council) with the "correct date" – *i.e.*, July 14. Sibbison requested that Benjamin "dispose of the old version."

Witnesses reported a variety of explanations for the timing of the final decision letter. Some cited an effort to publish the decision prior to Assistant Secretary Deer's planned attendance at a Lac Courte Oreilles powwow. Difficulties in finalizing the language of a letter with so many drafters delayed the release until the Assistant Secretary was already there. Witnesses also stated the applicants were perceived to be pushing for a decision, and some added

---

<sup>395</sup>The issue of the waterway apparently came to the attention of others at DOI besides Slagle after a magazine article inspired letters to DOI on that subject. In any case, Slagle discounted the notion that the application was denied because of this environmental concern.

<sup>396</sup>This position is corroborated by evidence: 1) that the DOI employees involved in drafting the decision letter expected the denial letter to be going out that week; 2) the absence of any specific need for the St. Croix to know the outcome only a few days in advance of its full public disclosure; and 3) the consistent testimony of DOI witnesses that no one thought Babbitt would intervene to change the decision or the timing of it.